

Decoding Forensic Linguistic Analysis

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CUNY Curriculum Revision Project

Introduction

This is the end of my tenth year as a professor at BMCC. When I graduated from Teachers College with my doctorate, I was ill prepared for my teaching career in some ways. While I had spent years teaching in a transitional homeless shelter, I was working primarily with adults in their 40s and 50s. I thought that working in this context would help prepare me for working with our BMCC student population. It only partially did. I could not have foreseen the level of systemic underpreparedness that comes from decades of poor public education policy (e.g. No Child Left Behind, Race to the Top). Despite my experience in the field of education, scaffolding to ensure that my students can succeed without watering down content has been a challenge, and given the difficulty of our workload (including teaching, service, and research/publications), time for revising my courses is relegated to the weeks prior to a new semester. This curriculum project became a monthly space to devote to rethinking a bottleneck to student learning in one of my courses. The unique approach touted by the CCRP recognizes the expertise of the faculty and teachers by having them work through how they, as experts in the field, would address the bottleneck. This paper describes a bottleneck I identified in my forensic linguistics course and describes how I would approach it as an expert. I, then, describe the changes made to my curriculum, noting how these expert moves and processes can be modeled and practiced. The paper concludes with a discussion of observed changes thus far.

Step 1: What is the Bottleneck to Learning in this Class?

I am a professor of linguistics, and perhaps our most popular course is Forensic Linguistics, which Criminal Justice students transferring to John Jay can use to satisfy their English 300-level course requirements. The course is also used as a capstone course for linguistics majors. My class is centered around a semester-long project that asks students to 1) transcribe publicly available forensic linguistic data, 2) analyze the data using analytical approaches learned in class, 3) categorize their analysis into themes, 4) write those themes into paragraphs, and 5) contextualize that analysis by couching it within a research paper framework (Introduction, Methodology, Research Context, Transcript, Data Analysis, Discussion, Conclusion, References).

The analysis of these transcripts is key to success in this class because these students will be going into the field of criminal justice, and they will need to have a deeper understanding of the ways in which language impacts various aspects of the criminal justice/legal system. Analyzing other's speech helps students learn how to examine the subtleties of language that make the criminal justice system so difficult to navigate. The analysis task is key to success in my class because it is the focal assignment around which the rest of the semester revolves.

In considering bottlenecks to student learning in my class, I found that students who perform poorly on the analysis portion of their project are often left behind because they favor summary over analysis. In looking at their work across the progression of the assignment, I found that students appear to fall into three categories: 1) students who understand analysis vs. summary and can apply the analytical tools, 2) students who do not necessarily understand the difference between summary and analysis but who know how to play the game of applying the

tools, and 3) students who do not understand summary vs. analysis and use summary in place of analysis.

The goal was to try to reduce the number of students in the third category and possibly also minimize the number of students in the second category. For the students in the second category, the tools they used to analyze their data were technically correct, but because different approaches to discourse analysis address different problems, the approach they chose to analyze their data was usually the one they understood best and not necessarily the one that best dealt with the problems/questions/issues relevant to their data. For students in the third category, their summaries of the data did not include any use of the analytic approaches we discussed in class. I wondered if they were two separate bottlenecks or two branches of the same misunderstanding.

Through discussions with my peer partner, I realized that the second and third steps for students (“analyze the data using analytical approaches learned in class, categorize their analysis into themes”) actually involved several mental moves if understood through Bloom’s taxonomy. Deconstructing analysis through Bloom’s taxonomy: The assignment requires students to **choose** the most appropriate discourse analysis approach based on their data, **apply** the discourse concepts, **link and categorize** findings, and **evaluate** their analysis by **reflecting** on the connections their findings have with larger social norms and expectations. My initial thought was that students needed more explicit instruction on how to choose what kinds of analysis would be useful for the data they chose for their papers, and they needed to be brought through the process of linking findings together and categorizing them. I surmised they would also needed guidance on how to reflect and what the relevant larger social norms they needed. The next part of the curriculum revision project asked us to consider how we as experts address these issues, and I hoped that it might help confirm what I needed to do to help more students succeed.

Step 2: How Does and Expert do these Things?

Publishing scholarly articles that use different types of discourse analysis to examine talk in various institutional contexts (e.g. social work contexts, educational/classroom contexts and forensic contexts) is my research bread and butter. When I look at a transcript, I am doing a combination of activities. 1) I am assessing what is interesting about the data and employing discourse analytic tools/skills as I read the transcript (more on this below), and 2) I am simultaneously using those analytical findings to recursively make connections and identify “findings of note” (problems, idiosyncrasies, areas of success, areas of communicative breakdown, etc.), which helps me to identify how current analytical observations relate to previous and subsequent analytical points, as well as how these analytical observations relate to larger sociocultural issues (e.g. racism, misogyny, homophobia, xenophobia).

In the class, I teach three approaches to discourse analysis, three sets of discourse analytic tools (conversation analysis, stance analysis, and speech act theory), and when I look at a transcript I will usually take a first look just to see what is discursively interesting about the data. This involves me making normative judgments about how the data departs from or is consistent with a series of social norms. After deciding on what is most interesting in the data, I then choose the discourse analytic approaches that would best help me unpack the data, and I apply those approaches to the data. This confirmed for me that I did indeed need to set up for my students ahead of time what the general social norms are for discourse, American discourse, and forensic discourse. This would involve more explicit teaching of these norms with examples and practice, as well as instruction on how the different approaches to discourse analysis serve to address different norms. My hope, then, is that they learn to **choose** analytical approaches strategically

based on what they see. This critical choice may help bring awareness to the **application** of discourse analysis as likewise directed and strategic. Choosing and applying the concepts will get them through the first major part of their analysis.

Ultimately, I think the analysis we are asking students to do in this assignment involves several steps in Bloom's taxonomy. While it involves applying concepts from the discourse analysis repertoire, it also involves a constant monitoring of what surfaces in the text most frequently and the ways the discursive practices noted in the text resonate with various societal norms. As an expert, I both examine analytic issues that continually resurface, as well as those that only occur rarely. The next part of the analysis therefore should invite students to look at the discourse analyses they did, and **categorize** their findings.

Finally, when I am left with a collection of findings, I **evaluate** what I have found by reflecting on the connections my findings have with larger social norms and expectations. I realized that I am asking students to do this but not giving them much direction.

In considering how to better scaffold learning for the intended result, I realized that ultimately both students who functionally apply the concepts correctly but do not do it strategically *and* students who summarize rather than analyze encounter the same bottleneck: not understanding the purpose behind the different discourse analytic approaches.

I brought this bottleneck and my recommendations for addressing it to two other forensic linguistics professors who teach the same assignment, and we discussed what we might do as a team to facilitate not only learning the concepts/skills in discourse analysis and how to apply them, but also thinking about how to teach those skills in a way that helps students more easily consider how to categorize and evaluate their findings. I illustrated how we might reorganize the syllabus to spread out the discourse analytic concepts and use the content topics we cover as

vehicles for practicing the different discourse analysis approaches used. We discussed more overtly teaching how the different approaches connect to larger social issues and norms.

Step 3: How Can These Tasks be Explicitly Modeled?

Course structure

In considering how to teach analysis to my students, I took a four-tiered approach that included 1) a reorganization of a large portion of the curriculum, 2) developing metaphors to help support learning, 3) incorporating different opportunities to model and practice analysis in that newly-organized curriculum, and 4) direct instruction (e.g., explicitly teaching the social norms for forensic discourse, explicitly teaching how the different analytic approaches address those norms, and teaching how the application of discourse analysis differs from summary).

The curriculum originally began with teaching the analytical meat of the course. We began with learning how to transcribe discourse, and then I taught three different approaches to discourse analysis. We then moved to looking at content topics in the course, which incorporated information from those discourse disciplines. The original curriculum is sketched out below in Table 1. The white boxes are the topics, pink are the readings, blue boxes are small assignments, and the green boxes are larger assignments like papers.

Table 1: Original Forensic Linguistics Course Schedule: Matarese's class

1/30	Introductions, Reading Research			
DISCOURSE ANALYSIS UNIT				
2/2	Transcribing Data	Unit A2 and A9		
2/6	Doing Discourse Analysis	Unit A1 and A3 in Pragmatics textbook		
2/9	Doing Discourse Analysis 2	Units A4, A5, and A6 in Pragmatics textbook		
2/13	Case Analysis	Units A7, A8, and A10	Discourse Vocabulary List (Submit on blackboard)	
2/16	Discourse Quiz	(1 page self-made cheat sheet allowed)	In class discourse quiz	
2/23	Transcript Workshop	Read: C&J, Current debates in forensic linguistics. (Chapter 1)		Transcript due for in-class analysis – Bring a PHYSICAL HARD COPY (NOTE: if you want to review yours with ME, sign up for office hours this week)
DISCOURSE IN FORENSIC CONTEXTS				
2/27	Emergency Calls	C&J, Requesting assistance in calls to the police (Chapter 7)	QUIZ 1: 5 min reading quiz, open book, open note	
3/2	Police Interaction	C&J, Legal Talk: Sociopragmatic aspects of legal talk: police interviews and trial discourse. (Chapter 2)	QUIZ 2: 5 min reading quiz, open book, open note	
3/6	Witness Statements	The Genesis of a Witness Statement (Blackboard)		Project 1 due

The revision to the curriculum/course schedule involved moving content areas under the three discourse analytic categories. We again began with transcription, but this time I reorganized several of the content areas such that they became both content learning *and* practice for a particular discourse analytic approach (ex. Conversation Analysis, Stance, and Speech Acts), as seen in Table 2 below.

Table 2: Revised Forensic Linguistics Course Schedule: Matarese’s class

Dates	Topic(s)	Reading	Daily Assignments	Major Assignments
1/25	Forensic Linguistics as Problem Solving: Hostage Negotiations			
1/29	Transcribing Data	CA and Discursive Psychology (blackboard)	-Reading quiz 1	
2/1	Norms of Forensic Interaction and an overview of the three discourse analytic approaches	Class handout online		
CONVERSATION ANALYSIS				
2/5	Conversation Analysis: Emergency Calls	C&J Ch. 7	-Reading quiz 2 -DEJ 1 on the conference talk DUE *Extra credit for another	

			DEJ on another talk	
2/8	Conversation Analysis: Police interaction	C&J Ch. 11	-Reading quiz 3	
2/12	No class			
STANCE				
2/15	Stance			-Basic transcript of 2 minutes of YOUR 911 call –*NOT* Lewis Daynes (due online)
2/19	Stance: Communicating racism	van Dijk (1987) (181-213)	- Conversation analysis (preference) Homework due-	
2/22	Stance: Positioning and Prototypes Case: Rape cases	C&J Ch. 18	-Reading quiz 4	
2/26	Stance: Threats	Gales (2010)	-Reading quiz 5	
SPEECH ACTS				
3/1	Speech Acts			Final Transcript due
3/5	Speech Acts: Miranda Rights	C&J Ch. 8	- Stance Analysis Homework due	
3/8	Speech Acts: Vulnerable Witnesses	C&J Ch. 20	-Reading quiz 6	
3/12	Speech Acts: Questions and Threats	Ch. 2	-Reading quiz 7	
3/15	False Confessions	C&J Chapter 21 A jihadi heart of mind? Strategic repackaging of a possibly false confession in an	- Speech Act Analysis Homework due	

		anti-terrorism trial in California.		
3/19	Analysis Workshop: Applying skills & Analysis			Draft of Analysis (in chart) BRING 2 HARD/PRINTED COPIES OF YOUR DRAFT

As noted above, the reorganization of the course schedule was only part of the revision process.

While reading quizzes monitored learning of the content topics, each course session focused on a combination of content learning and discourse analytic practice. There are three discourse analytic units (conversation analysis, stance analysis, and speech act analysis), and content topics in the forensic field (e.g. 911 emergency calls, police interaction, discourse in rape cases, witness statements, false confessions) were moved under the discourse analytic field best suited for examining that topic. Within each discourse analysis unit, students would learn and practice the form of discourse analysis and what it is best at revealing.

Metaphors to support student learning

In order to support learning and in order to break down this bottleneck, I developed two metaphors to help students envision the analytic process. The first is a more standard metaphor: a toolbox. Conversation analysis, stance analysis, and speech act analysis are three different discourse analytic tools in our toolbox. Just as you wouldn't use a hammer on a screw, different discourse analytic tools have specific jobs. Table 3 provides a gloss of the discourse approach and the tool metaphor.

Table 3: Your Discourse Toolkit.

	Job in Linguistics	Job in Forensic Linguistics	Tool Metaphor
Conversational analysis	<p>Examines whether TURN 2 is socially expected (preferred) or not (dispreferred)</p> <p>59 O: Where are <u>you</u>?</p> <p>60 LD: Look, (.) <u>this</u>, (.) don't <u>don't</u> okay don't <u>interrupt</u> me >just let me explain this this is being recorded.< I (.) didn't know what</p> <p>61 <u>to do</u>, I felt like, (.)</p> <p>The operator's turn (turn 1) is the first part of a conversational PAIR called an adjacency pair. Here, in turn 2, Lewis (making a 911 call for a murder he just committed), rather than responding to the 911 dispatcher's question (which would be the socially anticipated response that would illustrate alignment with the operator's question), provides a dispreferred response in turn 2. He disaligns with the operator. We know it is dispreferred because a preferred response would answer her question, and he does not answer her question. We could, by looking at all of Lewis's talk, notice that his many dispreferred responses suggest some resistance and a lack of compliance on his part.</p>	Useful for examining whether non-institutional people are being compliant or resistant, which, in turn, says something about their claims to POWER in the interaction (if they're being compliant, they're letting the institutional representative have the power—as expected in these settings. If not—then they might be viewed as wresting power	You want to think of TURN 1 as a screwdriver . Each individual drill bit is a bit differently shaped and sets up a particular kind of expectation for what Turn 2 will do. Turn 2 is a screw that you're screwing into a piece of wood. If the drill bit fits the screw—it's preferred response—they're in alignment, if it doesn't fit, it's dispreferred—not in alignment.
Stance analysis	Examines words showing attitudes, evaluations, and how speakers position themselves and others.	Useful for looking at	Looking at stance is like using a

	<table border="1"> <tr> <td>62</td> <td>O:</td> <td><u>right</u> is the: house where you <u>are</u>: is where you <u>are</u> and also where <u>Breck</u> is <u>yeah</u>? But you're in another <u>room</u> are yo</td> </tr> <tr> <td>63</td> <td>LD:</td> <td>=yes. I felt like taking my <u>own</u> life. I (.) I <u>don't</u> remember what happened after that, all I know is I <u>dropped</u> the</td> </tr> <tr> <td>64</td> <td></td> <td><u>knife</u> in my <u>hallway</u>. I <u>stripped</u> down and just <u>sat</u> in the shower.</td> </tr> </table> <p>Lewis, in turn 63, categorizes himself as feeling “like taking my own life.” His evaluation of himself as suicidal highlights how he places himself, a murderer, in the position of the victim.</p>	62	O:	<u>right</u> is the: house where you <u>are</u> : is where you <u>are</u> and also where <u>Breck</u> is <u>yeah</u> ? But you're in another <u>room</u> are yo	63	LD:	=yes. I felt like taking my <u>own</u> life. I (.) I <u>don't</u> remember what happened after that, all I know is I <u>dropped</u> the	64		<u>knife</u> in my <u>hallway</u> . I <u>stripped</u> down and just <u>sat</u> in the shower.	<p>emotions of speakers</p> <p>Useful for identifying how people put themselves and others into categories (racial, gender, psychological categories, etc.)</p>	<p>LEVEL.</p> <p>You set the level on, for example, a shelf before you hang it to see if it is straight. The level evaluates POSITION .</p>						
62	O:	<u>right</u> is the: house where you <u>are</u> : is where you <u>are</u> and also where <u>Breck</u> is <u>yeah</u> ? But you're in another <u>room</u> are yo																
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<p>Speech act analysis</p>	<p>Examines the ACTION of an utterance, and looks at whether that action is stated DIRECTLY or INDIRECTLY.</p> <p>I often provide the example: “I love ice cream.” If I just shout it in class, as I often do, it is merely a STATEMENT—I am DIRECTLY stately my love for ice cream. However, if I am walking with my sweetheart past an ice cream shop, and I say “Oh, I love ice cream,” then this utterance, which on the surface looks like a statement maybe be an INDIRECT REQUEST (Let’s get ice cream! Or Get me some ice cream).</p> <p>In the data below, the operator is talking to Lewis:</p> <table border="1"> <tr> <td>62</td> <td>O:</td> <td><u>right</u> is the: house where you <u>are</u>: is where you <u>are</u> and also where <u>Breck</u> is <u>yeah</u>? But you're in another <u>room</u> are yo</td> </tr> <tr> <td>63</td> <td>LD:</td> <td>=yes. I felt like taking my <u>own</u> life. I (.) I <u>don't</u> remember what happened after that, all I know is I <u>dropped</u> the</td> </tr> <tr> <td>64</td> <td></td> <td><u>knife</u> in my <u>hallway</u>. I <u>stripped</u> down and just <u>sat</u> in the shower.</td> </tr> </table> <p>Here, the operator (line 62) asks Lewis a series of questions. If we think these are legitimate questions—they look like questions and they are indeed questions, then we can call those questions DIRECT speech acts: Questions.</p> <p>This is different from below:</p> <table border="1"> <tr> <td>65</td> <td>O:</td> <td>Right you left the <u>weapon</u> in the <u>hallway</u>,</td> </tr> <tr> <td>66</td> <td>LD:</td> <td><u>yes</u></td> </tr> </table>	62	O:	<u>right</u> is the: house where you <u>are</u> : is where you <u>are</u> and also where <u>Breck</u> is <u>yeah</u> ? But you're in another <u>room</u> are yo	63	LD:	=yes. I felt like taking my <u>own</u> life. I (.) I <u>don't</u> remember what happened after that, all I know is I <u>dropped</u> the	64		<u>knife</u> in my <u>hallway</u> . I <u>stripped</u> down and just <u>sat</u> in the shower.	65	O:	Right you left the <u>weapon</u> in the <u>hallway</u> ,	66	LD:	<u>yes</u>	<p>Speech acts are good for examining when someone is speaking in an ambiguous way (if they’re speaking very indirectly, for example).</p> <p>Lawyers, police officers during interrogations.</p>	<p>Utterances are like pieces of wood. Some of these pieces of wood are perfect just the way they are, and you can just grab it and make a table top out of it, but other utterances are like rough pieces of wood, and you need to get to the smooth wood</p>
62	O:	<u>right</u> is the: house where you <u>are</u> : is where you <u>are</u> and also where <u>Breck</u> is <u>yeah</u> ? But you're in another <u>room</u> are yo																
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	<p>The operator’s statement “right you left the weapon in the hallway” LOOKS like a declarative statement, on observation, but it FUNCTIONS as a question that confirms the location of the weapon, and Lewis treats her statement as a question by answering it as if it is a question. This is an INDIRECT speech act: Question (because it doesn’t look like a question, but it functions as one)</p>	<p>under the surface. Speech act analysis is the sand-paper you need to uncover what is below the surface of the text.</p>
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These three metaphors help to clarify and provide additional understanding of the three approaches. However, conducting analysis is both applying these skills and also, as noted earlier, categorizing and evaluating. As such, I have a second, hands-on metaphor for the categorization and evaluation portion of the analysis.

TASK:

You’ve been given a random box of groceries. There are all kinds of ingredients inside. Your goal is to figure out what the person intended to cook with those ingredients. First you might categorize (synthesize) the ingredients. How many do you have of each type (how many veggies, how many herbs, what kind of protein, etc.).

Then you need to evaluate what you have: what outside world recipes might exist that include these things? That might involve some research to help stimulate ideas or you can use your own experience, particularly if you’re an experienced cook (you can use your phones if you need to).

After the students complete the warm-up task above, I explain to them the parallel with our own analytic process in class. I explain that this process is similar to what we do as we look

at our charts where we've made lists of analytic observations, and then we need to decide which ones are important as we move from an analysis chart to a paper format. So how do we decide? Well, the first thing we can do it look to see which kinds to analytic points come up the most. After looking at all of the observations we made, we can see that, for example, a 911 caller makes many dispreferred responses or a lawyer constantly uses stance words that categorize someone as "guilty." Generally, we are looking to categorize TEAMS of foods or teams of analytical points. These are all vegetables used in Korean cuisine. This operator uses a lot of commands. So first find what kind of analytical points come up the most.

This does NOT mean, however, that if something only comes up once it is not important. We can compare this to when a recipe has an ingredient that seems "special" and maybe requires shopping at a special store. If a recipe has saffron in it, that makes it stand out, so it is worth noting. If George Zimmerman says "these assholes, they always get away," his movement from referring to Trayvon Martin singularly through "he" and "him" to a more generalized racial categorization ("these" and "they"), while not happening frequently, is important and worth noting in your analysis despite the fact that it is only mentioned once.

These metaphors provide extra support so that students have additional ways to connect to the task. However, scaffolded delivery of the content is only one aspect of instruction, the other includes facilitating multiple different opportunities for both formative and summative practice.

Step 4: How Will Students Practice These Skills and Get Feedback?

In-class data sessions were used to practice the analytic skills for each of the three mini-units through data related to the content topic. Conversation analysis, therefore, included two

days of practice, analyzing data from emergency 911 calls and police interactions. Stance analysis was practiced through examining racist (and racial microgression)-based stance markers, markers categorizing sexual assault and rape, and markers indicative of threats. Finally, speech acts analysis was practiced through examining Miranda rights, vulnerable witnesses, witness statements, and through lawyer and police officer questions and threats. Each of these lessons begins with me briefly revisiting the basics of the discourse analytic approach before introducing the content topic and the data for the day.

I have prepared both visual/audio data and a transcript for each of these sessions, and students quickly got into the routine of the class. I presented a brief reminder of the analysis approach, and then we dove into analysis. Using the approach, they analyzed data on their own or in pairs depending on the session, and I moved around the class and answered questions and facilitated practice. Then I put students into larger groups where they discussed their findings and answered some content-related questions about the topic for the day, connecting the analysis to the discipline. We, then, discussed the transcript as a class. Sometimes I would integrate a short lesson on the content topic with the reminder lesson at the beginning of class, and other sessions I would close class by making some general claims about the content topic for the day. Often these claims were reiterated through larger class discussion toward the end of class.

Students were formatively assessed in class during both individual and group analysis, and they were summatively assessed in three low-stakes assignments due after each mini-unit ended. Students were also assessed through the larger cumulative assignment, which they develop and workshop in class in stages throughout the semester. In the workshop (last line in Table 2), I review the three methods, teach the difference between summary and analysis, and

have students apply their learning to their project transcripts. I also ask students to submit their drafts online, and I give them individualized feedback on both the draft and the final midterm.

After midterm, I teach the students how to categorize their analysis into themes through a hands-on, in-class workshop that asks students to review their data in situ, develop thematic categories, and draft structured paragraphs, using a handout prepared to structure their writing (e.g. topic sentence on theme, summary statement on how often the theme surfaces, series of examples, a “so what” analytical statement that answers the question: what does this theme tell us about the speaker or situation?, and a conclusion sentence that summarizes and transitions to the next topic).

I ask students to evaluate what they have. They consider their findings in relation to issues and topics we have discussed in class. I ask them to think about what their findings tell them about how X person behaves, how they feel about themselves, how they feel about others? Do their findings point to social categories or -isms (i.e. racism, sexism, misogyny, ableism, capitalism, etc.)? Do their findings connect to certain social roles/jobs (i.e., does the operator/officer/lawyer/detective appear to do a “good job” or not and why based on your evidence?)? Ultimately for their papers, I provide students with three topics on which to reflect:

- 1) Who has power in the interaction and why?
- 2) Is the non-institutional representative compliant or resistant and why?
- 3) Does the institutional representative do a good job? Why, why not?

We have an in-class workshop of their final drafts, and I review drafts of their final write up of the data individually and provide feedback.

Step 5: What Will Motivate the Students?

I have several inter-related philosophies that undergird my teaching, and I believe that these feed directly into how I motivate my students. I draw heavily on Freire's *Pedagogy of the Oppressed* in my teaching, which emphasizes experiential, problem-posing learning (Freire, 1972) that considers what we now call students' "funds of knowledge." Students bring a wealth of knowledge to the classroom. On the first day of class, I provide all students with an introduction sheet that includes contact information, preferred pronoun, and a series of questions about their background in the topic (e.g. courses in criminal justice they've taken, courses in linguistics they've taken, what they're good at, where they struggle, etc.). In forensic linguistics, most of my students are criminal justice majors, so they bring their expertise in their field as well as their personal expertise. I try to draw as often as possible on their funds of knowledge and ask problem-posing questions that facilitate discussion rather than dictating information.

Additionally, I draw on radical empathy in my teaching. Radical empathy asks us to read students and their actions generously. Students who have had parents deported, who have had emergency surgeries for ectopic pregnancies, who have experienced the murder of a relative or friend, who work the midnight shift until 6am and have to make it to an 11am class—these students may not always tell us what is really going on with them. I encounter many professors who assume certain student actions (e.g. falling asleep, being on their phone) are signs of disrespect. I, however, try to put myself in my students' shoes and avoid making assumptions about their actions or taking their actions personally. While I do address these issues, I always try to address them with the most generous possibility in mind.

The four-year CUNY colleges often put little faith in community college courses, instead assuming that community college courses are less rigorous, and I find that some community college faculty, likewise, have little faith in their students, assuming that they are incapable of

more complicated tasks and research. Indeed, some community college faculty advocate for what they informally call “dumbed down” courses (perhaps they are also less aware of ableist discourses).

I, however, strongly disagree with these kinds of assumptions. Last year I won the CUNY Research Foundation “Research in the Classroom” grant, which allowed me to develop the research portion of the course. I believe that my courses are just as rigorous if not more so than the courses students take at Hunter, John Jay, and Baruch. I believe that my students are bright and capable. They are not only able to conduct research, but their peers in undergraduate programs at NYU and Baruch certainly are doing research in their classes. As such, I see it as essential to provide my students with equal opportunities to conduct research. Research is not just for the privileged few. As such, I begin each semester by explaining to students that I will be treating them as researchers in this class. I am starting from the assumption that they can all do this work, and that I am here to support them and help them get there.

Step 6: How Well are Students Mastering these Learning Tasks?

Feedback on the three summative assignments helped me to track more clearly who had mastered the material prior to the midterm assignment. Moreover, reading drafts of the midterm assignment provided opportunities to help correct more subtle analytical problems. When I graded the draft and final “midterm” assignments (the analysis of the transcript in a chart format), nearly all students used the analytical tools strategically. Students appeared to use the analytic approaches best suited to their data, which was a big step forward. While I found significantly fewer assignments using summary rather than analysis, there were still some. I caught most of these in assignments completed prior to turning in the final midterm. Guidance

and specificity on the written reflection/discussion portion of their paper resulted in overall deeper, more substantive reflections.

Next Steps

Ultimately, I think that this curriculum requires one more assignment: a bridging revision assignment. I'd like to give students an anonymous old student paper that uses summary instead of analysis.

Table 4: Bridging Revision—Summary to Analysis

#	Speaker	Utterances/talk	Example of under-analysis through summary	Student revision to analytical language from class (use "because" phrases)
1	Operator:			
2	Caller:			
3	Operator:			
4	Caller:			

Next semester, I will try to incorporate this assignment prior to the draft of the midterm. While there were not nearly as many students using summary as before, perhaps this assignment will ensure that everyone understands the difference.

Conclusion

This project has provided a useful and rewarding space for reflection. While I would encourage faculty to participate, particularly faculty who do not have backgrounds in pedagogy

and pedagogical theory, I would also note that this work has taken up the time I usually devote to writing and revising articles and to writing grants. We do not have much time to write and publish at the community college, and the reassigned time we get is very limited. As it is, I spend nearly 75% of each weekend grading and prepping for classes. As such, it may be useful to ensure that faculty in the future understand that the size and demands of the final project may interfere with their workload. While the college works to provide financial incentives, I have logged over 20 hours on the production of this paper alone, not including our monthly meetings (even over winter break). 20 hours of writing could easily be a rough draft of an article in my field. If CUNY wishes to continue with this worthwhile project, I humbly request giving the faculty released time (even an hour or two) in order to complete this project without it taking away time for publications that contributes to tenure and promotion.

That said, it was such a rewarding experience to work with Todd, my MECA partner. Discussing teaching and brainstorming with him highlighted the common challenges that we face as teachers. The difficulties of teaching analysis were so systemic among our group, they were what most of us chose to focus on for the bottleneck assignment. The discussions in our group spanned disciplines on a common theme, each colleague and the facilitator providing rich insight from their unique perspective. The course not only helped me articulate my ideas, refine my ideas, and better scaffold my course, I also learned a new approach for problem-solving bottlenecks to student learning that I can take with me through my career.

Appendix

1. Transcription Class

Short Term Homework: Students have reading due on discourse and transcription with an online quiz (via blackboard) due prior to class start.

OBJECTIVES IN BRIEF			
a) Teach fundamentals of transcription			
b) Students practice fundamentals of transcription			
TIMING	TASK	LEARNING TOOLS	ASSESSMENTS
5 sets of 15 minutes	Powerpoint introduction to transcription provides 5 stages of transcription (5 minutes each). Each stage integrates practice of that stage (5-10 minutes)	PPT	
	First stage: Listen and transcribe (10 minutes)	Audio clip	Formative assessment (I check around with each person to see how they're doing with the steps as we practice them)
	Subsequent four stages I provide a bare bones transcript that the students edit (10 minutes)	Bare bones transcript	Formative assessment (I check around with each person to see how they're doing with the steps as we practice them)

Learning Tools: Lewis Daynes Transcript

(I give them a “starter” with it partially done, and then a complete version)

1	LD:	Hi there, umm, OK. Hello, I <u>need</u> (.) police and a forensics team to my address please.
2	O:	What do you mean. What's happened

3	LD:	My friend and I got into an altercation. (.) an:::d (.) I'm the only one who came out alive.
4	O:	Are you telling me you've <u>killed</u> somebody
5	LD:	Yes, I am.
6	O:	Right, and who am I speaking to?
7	LD:	My name is Lewis Daynes, I am 18 years old. And I live at _____
8	O:	Right ok and what's actually happened?'
9	LD:	My <u>friend</u> came to >stay the night with me yesterday< because he'd been feeling very <u>down</u> , (.) feeling <u>suicidal</u>
10		And I woke up this morning, he was in a <u>mess</u> , I tried to calm him <u>down</u> . I <u>hugged</u> him and said that I was
11		there for him. ((sniffles)) He push--He shrugged me off.
12	O:	Can can you just bear with me a sec and don't tell me anymore. okay You're telling me he's definitely dead?
13	LD:	I'm tel- yes, I'm telling you he's dead.
14	O:	Right, okay Lewis I'm gonna need you to take me through that again so what happened last night
15	LD:	Okay he came to stay with me because he was feeling down. [I tried]
16	O	[What's] his name?
17	LD:	Breck B-R-E-C-K Bednar B-E-D-N-E
18	O:	Sorry. B-R-E (some name spelling) okay so he came to stay with you.
19	LD:	look I can explain this to the officers,=
20	O:	= I wil- I need to take these initial [details.]
21	LD:	[I know,] I know. He came to stay with me the night,
22		I did my best to <u>comfort</u> him, I woke up this morning, <u>he</u> was in a <u>mess</u> . I <u>tried</u> again
23	O:	But just slow down again Lewis I need to take these det- so did you have an argument with him last night?'
24	LD:	No, we were fine. .
25	O:	You were <u>fighting</u>
26	LD:	No we were <u>fine</u> we were <u>fine</u> we both went to sleep I said we were <u>fine</u>
27	O:	Why did he come to stay with you?
28	LD:	Because he was fed up with his home life.
29	O:	Right cause he was fed up with his home[life]
30	LD:	[He's] had a lot of problems,
31		I've known him for a long time he came to stay with me. I was in Thailand last week on holiday, he was in Spain
32	O:	Right [okay
33	LD:	[We both got back and met up]
34	O:	[OK, so you both went to bed] and what's happened this morning?'
35	LD:	I woke up, he was just standing up. He was in a mess, hands on his face, I got up and put my arms
36		around him and said it was okay. He just shrugged me off and said "no", , I can't remember actually

37		what he said. He was going on about how he didn't want to go home he was fed up with his life,
38		and he didn't want to go
39		[Right okay]
40		[And] he I have a pen knife on the side of, sorry in my room, adjacent to my bed, I have a chest of drawers, I had a
41		pen knife on there folded, he picked it up, opened it, and then lost control. I,=
42	O:	=Slow down let me just let me just take those details
43	O:	pen knife on bedside table Breck grabbed it what in order to harm himself?
44	LD:	No in order to harm me, [he opened it, and then lost control.]
45	O:	[Right okay] to harm XXXX and opened it and states he lost control, yea?
46		I, in self-defense, put my left arm up to block him from stabbing me effectively, we struggled,
47		I got him to the ground, he got up, I got the knife [((.hhhhhh,))]
48	O:	[OK]
49	LD:	can you not interrupt me with this part?= =Okay go on
50	O:	
51	LD:	this is being recorded anyway isn't it?
52	O:	yup
53	LD:	I: >grabbed the knife< and I stabbed him <u>once</u> in the <u>back</u> of the neck, I believe, somewhere near the brain
54		<u>stem</u> , (.) he <u>turned</u> around, (.) tried to >carry it on<, and I I think I <u>stumbled</u> on my <u>chest</u> of drawers. I fell over, I <u>got</u>
55		back up, <u>backed</u> away and, then (.) I I don't remember exactly what happened but the <u>fight</u> ended with <u>me</u> cutting his
56		throat. I <u>believe</u> I turned around and < I <u>slashed</u> his <u>throat</u> >.
57	O:	right,=
58	LD:	=He <u>fell</u> (.) he <u>fell</u> face <u>first</u> on my <u>bed</u> (.) I <u>tried</u> to stop the <u>bleeding</u> , ((hhhhh,))
59	O:	yeah?
60	LD:	he fell onto the <u>floor</u> ((voice trembles slightly on "floor"))
61	O:	yeah?
62	LD:	and I couldn't <u>stop</u> it. His throat was (.) properly <u>cut</u> .
63	O:	And he's <u>still</u> on the <u>floor</u> ?
64	LD:	<u>Yes</u> .
65	LD:	He fell onto the <u>bed</u> face <u>first</u> , I was I was trying to <u>compress</u> [the <u>wound</u> at that time and].
66	O:	[right okay]L- Lewis are you still in the <u>room</u> where <u>Breck</u> is?
67	LD:	<u>No</u> .
68	O:	Where are <u>you</u> ?
69	LD:	Look, (.) <u>this</u> , (.) don't don't okay don't <u>interrupt</u> me >just let me explain this this is being recorded.< I (.) didn't know what
70		to <u>do</u> , I felt <u>like</u> , (.)

71	O:	right is the: house where you <u>are</u> :: is where you <u>are</u> and also where <u>Breck</u> is <u>yeah</u> ? But you're in another <u>room</u> are <u>you</u> ?=
72	LD:	=yes. I felt like taking my <u>own</u> life. I (.) I I <u>don't remember</u> what happened after that, all I know is <u>I dropped</u> the
73		knife in my <u>hallway</u> . I <u>stripped</u> down and just <u>sat</u> in the shower.
74	O:	Right you left the <u>weapon</u> in the <u>hallway</u> ,
75	LD:	yes
76	O:	and have spent <u>how</u> long sitting in the <u>shower</u> ?
77	LD:	I I don't know. Are are the <u>police</u> on their way? I can [hear sirens.]
78	O:	[They <u>are</u> ,] they <u>are</u> .
79	LD:	I'm going to <u>go</u> and do my part. Please <u>thank</u> you for your help.
80	O:	Right just <u>listen</u> ,
81	LD:	((hangs up, ends call))

Short Term Homework:

- Students are asked to transcribe more of the Lewis Daynes 999 Emergency call as practice and include all 5 stages of transcription. Formative assessment (everyone who tries gets a point)
- Read chapter on emergency calls, take online quiz (via blackboard) prior to next class. Quiz is low-stakes summative assessment of major content points from the chapter. Quizzes are open-book, open note.

Long Term Homework: Students are made aware that they will be asked to transcribe 2-3 minutes of the data they choose for their semester-long project.

2. Norms of Forensic Interaction and the Three Discourse Approaches

OBJECTIVES IN BRIEF			
a) Teach norms of forensic interaction			
b) Introduce students to the three discourse analytic approaches			
TIMING	TASK	LEARNING TOOLS	ASSESSMENTS
10 min	Read a forensic transcript	Transcript	
20 min	Answer questions about the transcript that lead students to finding the norms of social and specifically forensic interaction	Class handout	

25 min	Review answers with students via interactive powerpoint And briefly introduce the three discourse analysis approaches we'll learn about this semester.	Audio clip, transcript, interactive powerpoint	
5 min	Students will compile their notes summarizing what they learned		
15 min	Peer check	Speed-dating style, students will explain to each other in 3 5-minute bursts what the norms of forensic interaction are.	

3. Conversation Analysis: Emergency Calls

OBJECTIVES IN BRIEF			
c) Teach conversation analysis			
d) Through learning about emergency 911/999 calls and how they work			
TIMING	TASK	LEARNING TOOLS	ASSESSMENTS
10 min	Instruction about 911 calls and how they work also introduced in the reading today	Interactive ppt	
10 min	Instruction about Conversation Analysis (preferred and dispreferred responses and alignment)	Interactive ppt	
5 min	Give students a good version of the Lewis Daynes transcript and play through audio clip	Audio clip, transcript	
20 minutes	Ask students to analyze certain lines for preferred/aligned and dispreferred/disaligned turns	Transcript for analysis	Formative: checking in with each student and their analysis
5 minutes	Peer check		Formative: Peer-to-peer check of analysis
15 minutes	Whole class analysis and review		

10 minutes	Connect analysis to the participants (what does this analysis show us about Lewis and the Operator)		Fist to five check (group check of confidence/comfort with what we learned)
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Learning Tools: Lewis Daynes Transcript

Short Term Homework: Student should read chapter on police interaction and take online quiz (via blackboard) prior to class. Quiz is low-stakes summative assessment of major content points from the chapter. Quizzes are open-book, open note.

Long Term Homework: Students are reminded that they should be transcribe 2-3 minutes of the data they choose for their semester-long project—draft due next class.

4. Conversation Analysis: Police Interaction

OBJECTIVES IN BRIEF			
a) Practice conversation analysis			
b) Through learning about police interaction			
TIMING	TASK	LEARNING TOOLS	ASSESSMENTS
10 min	Police interaction lesson	Interactive ppt	
5 min	Reminder lesson: Conversation Analysis (preferred and dispreferred responses and alignment)	Ppt	
15 min	Give students Stephen Port (Serial killer) police interrogation transcript and play audio several times.	Audio clip, transcript	
20 minutes	In pairs: Ask students to analyze certain lines for preferred/aligned and dispreferred/disaligned turns	Transcript for analysis	Formative: checking in with each student pair and their analysis
10 minutes	Whole class analysis and review		

10 minutes	Connect analysis to the participants (what does this analysis show us about Port and the Interrogator?)		Fist to five check (group check of confidence/comfort with what we learned)
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Learning Tools: Interrogation of Serial Murder Stephen Port

1	Interviewer:	So did you have any involvement in the death of the male that we just spoke about a short while ago, Gabriel Kovari or Gabriel Kliene?
2	Port:	No I did not, No
3	Interviewer:	Were you involved in administrating any drugs or poisons or noxious substances to him?
4	Port:	No I don't administer drugs to anyone, or give drugs to anyone. Um, that's done at the party by someone else, the name I recognized, ... (mumble) before, he's normally at the parties, he deals with administrating drugs
5	Interviewer:	Who's that sorry?
6	Port:	Daniel. I recognized him, sometimes he's at, he deals.. he hands out the drugs to uh, to guests
7	Interviewer:	Daniel. This is the male, that we spoke of earlier.
8	Port:	I didn't but I haven't really .. He's the only Daniel I know of. Spoke to him a couple of times, at the party. (mumbles) Remember him, his name. Uh, he was, he does like, when I did, when I asked him to pick up guys to take them to the party. He would, but he would stay and uh.. deal out the uh, drugs, whatever, but, I would leave but he would stay.
9	Interviewer:	And did you go with Daniel to meet people?
10	Port:	No. I knew he was doing the same as I was, had brief conversations with him about it, but I didn't really engage with him outside the place
11	Interviewer:	Outside of the party
12	Port:	yes
13	Interviewer:	And which parties were these?
14	Port:	Scots, frat parties
15	Interviewer:	Scots parties? Fat parties?
16	Port:	Frat parties. F-R-A-T
17	Interviewer:	Frat parties
18	Port:	Yes <i>COUGHS</i>
19	Interviewer:	So what was the first occasion that you met, the person that you're talking of, that you know as Daniel
20	Port:	It was on the first few occasions, I was, I was there, first time, he (mumbles) Daniel was there. So I don't even know if it is the same

		Daniel you're taking about, but he's the only Daniel I can recall, as such. Name Whitworth rings a bell, but
21	Interviewer:	You think his name was Whitworth.
22	Port:	Think he's a tall, almost as tall as me, with brown hair
23	Interviewer:	Mind if I show you a picture.. call this CLT. So this is Jack Taylor. Do you recognize that name?
24	Port:	(looks at picture) I don't recognize him. I don't pay full attention to guys faces at parties, ... But I don't recognize his face
25	Interviewer:	So you don't recognize his face?
26	Port:	I do not, No.
27	Interviewer:	I mean, that's Jack, So you don't recognize Jack Taylor?
28	Port:	No I don't
29	Interviewer:	So have you ever slept with this man?
30	Port:	No
31	Interviewer:	Had sexual intercourse with him?
32	Port:	He doesn't look like, (mumble) myself.
33	Interviewer:	He not the kind of person you'd go for?
34	Port:	No I didn't.. more younger, twinkie boys, but not uh, he looks older. He could be somebody that I've taken to parties, but I don't recognize him as being one of them
35	Interviewer:	So you don't recognize him as being one of them?
36		No.
37	Interviewer:	And.. Jack, again, was found dead. This was on the 14th of September, 2015. Stephen did you have any involvement in his death?
38	Port:	I did not; No. No
39	Interviewer:	Did you kill Jack Taylor?
40	Port:	I did not; No. No
41	Interviewer:	Did you administer any drugs or noxious substances to him?
42	Port:	I did not, No
43	Interviewer:	With the intention of causing him harm?
44	Port:	No, No. (pause) Definitely not. No
45	Interviewer:	And you say you've never seen him before, is that right?
46	Port:	That's right.
47	Interviewer:	Ok. I've got a map to associate, I'm going to show you as many maps of the area, because it's not easy to get it all in one paper. Just so we're clear here. Again it shows your home address and it shows the church. So Margaret's and behind it you've got the abbey, and primary school. In particular the area around the walls of the Abbey. Have you ever had any reason to go into that area?
48	Port:	No
49	Interviewer:	Have you ever been through into the Abbey?
50	Port:	Uh, No I haven't. No. (mumbles) I don't go into church areas. Once went to that church, with my ?, went to the church on Christmas day. Empty church, but that's as far as it got, as far as I

51	Interviewer:	You've not been in the grounds behind it where you've got the old Abbey wall
52	Port:	No. Looks spooky, so I wouldn't go there.
53	Interviewer:	You've never been there.
54	Port:	No.
55	Interviewer:	In all the 8 years that you've lived across the road from there.
56	Port:	No. Think it's private. I wouldn't go there. Think it's private area.
57	Interviewer:	It's fairly open isn't it, when you go past? Would you agree with that or not?
58	Port:	I feel it is, Yeah, church bit. Behind the walls, wouldn't go there
59	Interviewer:	Because three of the four people that have been found dead were found slumped up against the wall here of the Abbey.
60	Port:	I didn't know that
61	Interviewer:	Pardon?
62	Port:	I didn't know that
63	Interviewer:	You didn't know that? So that's news to you, is it?
64	Port:	(shakes head)
65	Interviewer:	Did you put them there?
66	Port:	No, I did not.
67	Interviewer:	So Anthony was found slumped outside your address with a large amount of GHB in his system. The other three men we've been discussing were all found over by the wall area of the Abbey, you can see on the map, again all of them were slumped against the wall with a large amount of GHB in their body. Can you account for that at all?
68	Port:	No, I can't
69	Interviewer:	Stephen did you write this letter? It was found with Daniel
70	Port:	No I did not
71	Interviewer:	Are you telling us the truth Stephen?
72	Port:	I am telling the truth, yes
73	Interviewer:	About all of these boys
74	Port:	Yes
75	Interviewer:	Young boys. In the early stages of their youth, really, in terms of in their early 20's. All found dead. Stephen.
76	Port:	(nods)
77	Interviewer:	Close to your house. All of them had been in your house. Anthony by the time when he died, was found to have large quantities of the drug in his system. The other three were all found just over the road in the churchyard, or just the churchyard in the area that we've discussed. A short distance from your house. All again with high levels of GHB in them. Enough to kill them. Highly unusual way to die, for 1 person. This is 4, all found very close to where you live. All men, young men, the type of men that you say that you find attractive. All now dead Stephen.
78	Port:	(mumble) I don't know nothing about, how they've come to be.

79	Interviewer:	Stephen, this is serious. It's really important you tell us the absolute truth.
80	Port:	All the stuff I've told you is true

Short Term Homework: No reading due next class, no quiz

Long Term Homework: Transcript draft due of their own forensic data. Drafts are summative assessment, graded, but low-stakes.

5. Stance

OBJECTIVES IN BRIEF			
a) Learn stance analysis			
b) Apply stance analysis by applying to a known case (Lewis Daynes)			
TIMING	TASK	LEARNING TOOLS	ASSESSMENTS
10 minutes	Review Conversation Analysis	Interactive ppt	
10 minutes	Contrast Conversation analysis with Stance Analysis	Interactive ppt	
5 minutes	Play the Lewis Daynes clip again	Audio clip and transcript	
15 minutes	Analyze certain transcript lines for stance markers from Lewis Daynes transcript, small groups		Formative assessment peer to peer and I'll come around and check
10 minutes	Large group analysis/discussion		Closing with a fist to five check in.
15 minutes	Review of stance and the problems/issues it addresses		
10 minutes	Examine examples from student data projects	Student data transcript; clips	

Learning Tools: Daynes transcript from above

Short Term Homework:

- Student should read chapter on communicating racism prior to class. Analysis in class functions as formative assessment.
- Conversation analysis homework due (summative assessment of learning this skill)

Long Term Homework: none

6. Stance in cases of Racism

OBJECTIVES IN BRIEF			
a) Practice stance analysis b) Through learning about how racial categorizations are generated in forensic interaction			
TIMING	TASK	TOOLS	IN CLASS ASSESSMENTS
10 minutes	Review stance analysis	Powerpoint	
10 minutes	Review race in discourse	Interactive Powerpoint	
5 minutes	Pass out transcript and play the 911 call where XX calls 911 on Henry Louis Gates	Transcript and Audio clip	
10 minutes	Individual analysis of stance in the call		
10 minutes	Review with a partner		Peer-to-peer formative assessment
15 minutes	Review as a class		Group discussion and fist to five
15	Review examples of stance from student projects	Student data transcript; clips	

Learning Tools: 911 call in which a woman calls to report Henry Louis Gates Breaking into his own home.

1	O	911 OPERATOR: 9-1-1, what is the <u>exact</u> location of your <u>emergency</u> ?
2	FW	<□Hi, I'm actually at (inaudible) street in <u>Cambridge</u> , the house number is <u>17</u> =
	O	= Seventeen?= =Ware Street.>
3	O	>OK< ma'am, your_ cell phone cut out, what's the <u>address again</u> ?
4	FW	Sorry, it's 7 Ware Street. That's W-A-R-E [Street
5	O	[The emergency is at 7 <u>Ware</u> Street, right?
6	FW	Well no, I'm sorry. 17. Some other woman is talking next to me but it's 17, 1-7 <u>Ware</u> Street.

7	O	What's the <u>phone number</u> you're calling me from?
8	FW	I'm calling you from my <u>cell phone number</u> ?
9	O	>All right, tell me exactly what happened?<
10	FW	Um(.),> I don't know what's <u>happening</u> <. I just had an older women standing here and she had noticed
11		two gentlemen trying to get in a <u>house</u> at the <u>number</u> , 17 <u>Ware Street</u> .
12		<And they kind of had to <u>barge</u> in and they <u>broke</u> the screen door and they finally got in. When I had
13		<u>looked</u> , I <u>went further</u> , <u>closer</u> to the house a little bit after the gentlemen were already <u>in</u> the house (0.2)
14		I noticed <u>two suitcases</u> . So, I'm not sure if this is two individuals who actually <u>work</u> there, I mean_, who <u>lived</u> there.>
15	O	You_ think they might have been breaking in?
16	FW	>I don't know< cause I have no idea.[I just noticed.
17	O	[So you're saying you think the possibility might have been there?
18		What do you mean by barged in? You mean_ they kicked the door in?
19	FW	Umm(.), no, they were pushing the door in. Like, umm(.), the screen part of the front door was kind of like cut.
20	O	>How did they open the door itself with the lock?<
21	FW	They, I didn't see a key or anything cause I was a little bit away from the door. But I did notice that they pushed their (interrupted)
22	O:	>And what do the suitcases have to do with anything?<
23	FW	>I don't know<, I'm just saying that's what I saw.
24	O	Do you know what apartment they broke into?
25	FW	No, they're just they first floor. I don't even think that its an apartment. It's 17 Ware Street. It's a house, it's a yellow house. Number 17. I don't know if they live there and they just had a hard time with their key... but I did notice that they kind of used their shoulder to kind of barge in and they got in. I don't know if they had a key or not because I couldn't see from my angle. But you know. When I looked a little closely that's what I saw.
26		
27	O	(inaudible) guy_ or Hispanic?
28	FW	.umm. (.)
29	O	>Are they still in the house?<
30	FW	They're still in the house, I believe, yeah.
31	O	<Were they white, black or Hispanic?>
32	FW	Umm(.), well there were two larger men, one looked kind of Hispanic but I'm not really sure. And the other one entered and I didn't see what he looked like at all.> I just saw it from a distance and this older women was worried... thinking someone's house, they've been barging in<. And she interrupted me and that's when I had noticed otherwise I probably wouldn't have noticed it at all, to be

		honest with you... so, I was just calling cause she was a concerned neighbor, I guess.
33	O	>OK, Are you standing outside?<
34	FW	> I'm standing outside, yes. <
35		
36	O	All right, the police are on the way, you can meet them when they get there. What's your name?
37	FW	Yeah, my name is.....
38	O	> Right, we're on the way. <
35	FW	OK. All right, I guess I'll wait. Thanks
	:	
36	O:	Bye.

Short Term Homework: Student should read chapter on prototypes in rape cases and take online quiz (via blackboard) prior to class. Quiz is low-stakes summative assessment of major content points from the chapter. Quizzes are open-book, open note.

Long Term Homework: none

7. Stance in Rape cases

OBJECTIVES IN BRIEF			
a) Practice stance analysis			
b) Through learning about how rape victims are categorized discursively in court			
TIMING	TASK	TOOLS	IN CLASS ASSESSMENTS
10 minutes	Review stance analysis	Powerpoint	
10 minutes	Review stances commonly used toward victims in rape cases	Interactive Powerpoint	
5 minutes	Divide class in two--Pass out transcript sand read together a portion of Jane Doe's statement and Brock Turner's statement from the Stanford rape case.	Transcript	
10 minutes	Individual analysis of stance – one half examines Jane Doe's statement, the other Brock Tuner		

10 minutes	Review with a partner		Peer-to-peer formative assessment
15 minutes	Review as a class		Group discussion and fist to five
15	Students compare Brock Turner's discourse to Kavanaugh's opening statement from congressional hearing	Video clips	

Learning Tools:

Brock Turner (Stanford Rape Case) Statement:

The day of January 17th, 2015, started out like most of my days at school were spent, by getting up and going to swim practice. Having spent the past four months on campus living around my friends who were essentially all on the swim team, I had plans to spend time with them later that day. Coming from a small town in Ohio, I had never really experienced celebrating or partying that involved alcohol. However, when I came to school in California, it had become what I expected when spending a Saturday with friends. I began to champion the idea of relieving the stress of school and swimming by consuming alcohol on weekends with people. On one instance of a Saturday of drinking, I was walking to one of the home football games with my recently found friends on the swim team. I thought things were going great, I was having a beer with them while walking to the game and experiencing what were supposedly “the best years of my life.” I thought it was cool to be able to have a beer with friends while walking to a football game. However, the day ended by having been charged with a minor in possession for drinking alcohol. This should of opened myself to the dangers of drinking. I regrettably brushed off the incident as a mistake, but not a mistake that should change my behavior with drinking and being around the environment that enables it. Having spent most of my time around people that consumed alcohol daily, I thought is was fundamental to being in college and living like a college student. Even though I had been charged with a crime, it didn't deter me from still drinking because I carelessly thought that it was at the core essentials of being a college student and I shouldn't let one incident change my idea of what being in college meant. During this discovery of what I thought was a college lifestyle, I also had the opportunity to witness on multiple occasions people being intimate at parties that involved alcohol. I remember attending social gatherings with the swim team where these things were not only accepted but almost encouraged for the freshman to experience. Over the course of a couple months at school, I grew more accepting of these characteristics and began to think of it as normal behavior for one to meet people of the opposite sex at parties that involved drinking. The swim team set no limits on partying or drinking and I saw the guys take full advantage of these circumstances, while I was shown to do the same. I witnessed countless times the guys that I looked up to go to parties, meet girls, and take the girl that they had just met back with them. The guys that I thought highly of would dance

with girls while being intoxicated and encouraged me to participate in the party like they were. I was an inexperienced drinker and party-goer, so I just accepted these things that they showed me as normal. Living more than two thousand miles away from home, I looked to the guys on my swim team as family and tried to replicate their values in how they approached college life.

That's why on January 17th, I was excited to attend a party that my friend, who was a freshman on the team at the time, was hosting at his dorm room. If I could go back and change what unfolded on the night of January 17th, I would do it in a heartbeat because I never meant to hurt anyone. I arrived at that party with two other friends of mine that were also swimmers. Once I was there, I began consuming alcohol in the form of beer while socializing with the people at the party. I had approximately five beers while I was in his room. I eventually drank two swigs of Fireball whiskey in addition to the beer that I had already drank. I felt comfortable and safe knowing that I was just one of many members on the swim team that were there. It felt as though my behavior with consuming alcohol was completely ordinary and what was accepted within my newfound family. Eventually, the party at my freshman classmate's dorm got broken up by the RA's around eleven o'clock due to the noise restrictions set by them. At this time I was with my friend [REDACTED], and about 8 other people. The people who weren't freshman in the group were looking for other parties to venture to. In my short time spent at school, I had become familiar with the fact that people would usually try and head to fraternity parties after being at a more smaller party as the night got later. The night of January 17th was no exception to this fact. As I was travelling with this small group that originated from my friend's dorm party he had just held, someone verbalized that the fraternity Kappa Alpha was holding a party that we could attend. I didn't hold an opinion one way or the other of where the group's final destination should be. Over the course of a couple minutes, the majority of the people in the group decided to walk to the party at Kappa Alpha and I followed with them. I arrived at the frat party through the back entrance of the house. As I passed through the patio doors into the basement area of the house, I spotted my captain of the swim team playing a drinking game. I started talking with him while he was playing the game alongside another senior on the swim team. I was just hanging out at the party in the basement area, enjoying my time at the party with the guys I looked up to. Someone then decided to turn the lights off downstairs, which signaled for people to stop playing the drinking games and start dancing on top of the tables that they were being played upon. Hanging around my captain once this happened, he encouraged me to start having more fun. So taking his advice, I got a top one of the tables and began dancing. Eventually, myself and another girl that was dancing on the same table began dancing together. We grinded together, which means that I was behind her and both our hips were touching in a side to side motion in accordance with the beat of the song. After a couple songs, I get down and go outside to cool off and see what was happening on the patio area of the party. As I walk outside, I find [REDACTED], the friend who I walked to the party with, along with another one of my swim team friends talking. I go up to them and begin talking with them. After a period of time doing this, [REDACTED] finds a case of beer on the ground which he pointed out to me. [REDACTED] then hands me a beer and I start to drink it, while him and [REDACTED], the other friend who was with us, prepare to shotgun their beer. Before they do this, two girls are hanging around us and [REDACTED] asks them if they want any of the beer that they're about to shotgun. They both accept the beer and join

in with the three of us. [REDACTED] and the two girls all shotgun their beer of begin drinking it, while I sip on mine because I wasn't planning on shotgunning the beer. After a period of time, I eventually find myself talking with one of the girls that [REDACTED] handed beer to and [REDACTED]. We were basically introducing ourselves, explaining that we went to school at the campus and that we were both on the swim team. She was explaining how she went to [REDACTED], and then that quipped [REDACTED] into talking about how he had a sibling who went there as well. I though me and her were enjoying each other's company, when she got up close to me and said that she was astonished that I looked exactly like one of her friends at the school that she went to. I took this as a sign that she was flirting with me and after a period of more socializing, I find myself kissing her. We kissed for less than five seconds or so, until both our teeth hit each others' and we both pull away. I remember that we both laughed about it that our teeth had hit and it was kind of awkward that I began to blush. She goes along with her friends somewhere and I head back inside the party to see if I could find anyone that I knew to hangout with. After a period of time of just hanging out inside the party and being on my phone, I see the other girl that was on the patio when [REDACTED] and I were talking and drinking beer. I go up to her and tell her that I liked her dancing. We started talking together since I thought we had hung out for some amount of time before. I asked her if she wanted to dance, so we began to dance together and eventually started kissing each other. I bring up the idea of her coming back to my dorm room and she agrees to accompany me back to there. We begin walking back to my room towards the path that would eventually lead up to my house. During this time, we walk down a slope in the direction towards the path that we were heading. The next thing I realize is that we were both on the ground laying next to each other because it seemed as though she lost her footing heading down the slope and I went down with her. We started laughing about it and I was just thinking of how much of a klutz I could be. I ask her if she was alright and she tells me that she thought she was. After this happened, we started kissing each other again on the ground on which we fell. When this started to happen, the thought of making it back to my dorm left my head. I thought things were going fine with [REDACTED] and that I just existed in a reality where nothing can go wrong or nobody could think of what I was doing as wrong. Never did I question the fact of where [REDACTED] and I were and where we should have been. I naively assumed that is was accepted to be intimate with someone in a place that wasn't my room. Negating all these factors, I bring up the though of sexual interaction with her. I idiotically rationalized that since we had been making out where each of us fell to the ground, that it would be a good idea to take things a step further since we were just in the heat of the moment at that location. I pull away from kissing her and whisper in her ear if she wanted me to finger her. She responds to me and acknowledges what I said with saying, "Yeah." Having heard her response, I decide to take her underwear off thinking that since it was established that I would finger her, the only way of accomplishing this was to pull down her underwear. After doing so, I began to kiss her again and finger her until I thought she was satisfied with the sexual interaction that had taken place based on her moaning and the way in which she held onto me with her arms on my back. While this was occurring, I asked her if she was enjoying what I was doing, to which she gave me a positive response. I stopped the fingering and began to move my hips against the upward movement of her hips, while I kissed her neck and ear

mostly. At no time did it ever occur to me, or did it ever seem that [REDACTED] was too drunk to know what we were doing. I would not have done anything against anyone's will.

After a period of time of continuing these movements in coordination with her, the beer and alcohol that I consumed began to unsettle my stomach. I began to experience nausea and everything started to spin in my field of vision. I announced to [REDACTED] that I thought I was about to throw up because of the way my stomach was feeling to which she responds "oh, okay," seemingly surprised by the fact that I felt that way. I proceed to get up from laying on the ground with her to all fours at first since my balance was still not easily being maintained. Eventually I get my feet underneath me and start walking down the slope to find an appropriate place to throw up. At this moment I realize that there is someone trying to get my attention that is quickly headed in my direction. I start walking away from the slope in which [REDACTED] and I just were to continue to seek out a location in which to throw up. As I proceeded to walk, the person that was trying to get my attention approached me even closer. During this time, he was speaking in some foreign language with someone else. All I could make out of what he was saying to me was something along the lines of "hey" or "what the f***." Before I could even think of a response as to what to say to him to try and appease whatever his concerns with me were, I find my arms being grabbed by him. This cause me to think that he was trying to fight with me or mess with me in some way and I had no idea why. Fear went through my body, which caused me to resist him in anyway I could. I broke his physical connection to my body and tried running away from him, soon finding myself on the ground with him holding my arms down and preventing me from ever getting up. I screamed out for help ten or fifteen times before I realized my shouting would be helpless since no one was coming to help me. I repeatedly tried to get him to talk about whatever his strife was, but he refused to do so. During my time of being restrained on the ground, I heard someone was going to call the police. I thought that it was good that the police were coming because I thought they would help me. Once the police arrived, I finally stood up until I heard that I would have to get back on the ground and put my hands behind my back. I was shocked to realize that it was me who they were arresting. I swear I never would have done any of this if [REDACTED] wasn't willing. I haven't done that at any time in my life and wouldn't do it now.

I get taken back to the police station and put in a room with a wooden bench. I was told I couldn't use the bathroom or have anything to eat or drink and should just start sleeping on the bench. None of the police were telling me what was happening to me until someone came in after they had taken my clothes and swabbed my body for some reason. He told me that I was being charged with rape and I immediately responded with complete and utter shock. He then said to me that he agreed that it was a hard thing to wake up to and I just thought are you kidding me? Then he told me that someone was going to come in and interview me. Eventually that person came and all I could think during that interview was that I never raped someone and would never even think about doing that. I wish I would have forced myself at the time to remember every single minute detail that happened that night and express that. I wish I would have said that I know I didn't run from [REDACTED], but did run from the guy that I was fearful of even if it was just a fight or flight reaction. I didn't think what I didn't say would be such a huge deal because I know I never raped anybody that night and that's all that would matter. I thought that all I had to communicate was the truth — that in no way was I trying to rape anyone, in no way

was I trying to harm anyone, and in no way was I trying to take advantage of anyone. However, at the end of the interview, the officer told me that they had probable cause to take me to jail and that's where I would be going. I was in complete shock and disbelief during the entire process. I could only think of my family and getting in contact with them.

The night of January 17th changed my life and the lives of everyone involved forever. I can never go back to being the person I was before that day. I am no longer a swimmer, a student, a resident of California, or the product of the work that I put in to accomplish the goals that I set out in the first nineteen years of my life. Not only have I altered my life, but I've also changed [REDACTED] and her family's life. I am the sole proprietor of what happened on the night that these people's lives were changed forever. I would give anything to change what happened that night. I can never forgive myself for imposing trauma and pain on [REDACTED]. It debilitates me to think that my actions have caused her emotional and physical stress that is completely unwarranted and unfair. The thought of this is in my head every second of every day since this event has occurred. These ideas never leave my mind. During the day, I shake uncontrollably from the amount I torment myself by thinking about what has happened. I wish I had the ability to go back in time and never pick up a drink that night, let alone interact with [REDACTED]. I can barely hold a conversation with someone without having my mind drift into thinking these thoughts. They torture me. I go to sleep every night having been crippled by these thoughts to the point of exhaustion. I wake up having dreamt of these horrific events that I have caused. I am completely consumed by my poor judgement and ill thought actions. There isn't a second that has gone by where I haven't regretted the course of events I took on January 17th/18th. My shell and core of who I am as a person is forever broken from this. I am a changed person. At this point in my life, I never want to have a drop of alcohol again. I never want to attend a social gathering that involves alcohol or any situation where people make decisions based on the substances they have consumed. I never want to experience being in a position where it will have a negative impact on my life or someone else's ever again. I've lost two jobs solely based on the reporting of my case. I wish I never was good at swimming or had the opportunity to attend Stanford, so maybe the newspapers wouldn't want to write stories about me.

All I can do from these events moving forward is by proving to everyone who I really am as a person. I know that if I were to be placed on probation, I would be able to be a benefit to society for the rest of my life. I want to earn a college degree in any capacity that I am capable to do so. And in accomplishing this task, I can make the people around me and society better through the example I will set. I've been a goal oriented person since my start as a swimmer. I want to take what I can from who I was before this situation happened and use it to the best of my abilities moving forward. I know I can show people who were like me the dangers of assuming what college life can be like without thinking about the consequences one would potentially have to make if one were to make the same decisions that I made. I want to show that people's lives can be destroyed by drinking and making poor decisions while doing so. One needs to recognize the influence that peer pressure and the attitude of having to fit in can have on someone. One decision has the potential to change your entire life. I know I can impact and change people's attitudes towards the culture surrounded by binge drinking and sexual promiscuity that protrudes through what people think is at the core of being a college student. I want to demolish the assumption that drinking and partying are what make up a college lifestyle I made a

mistake, I drank too much, and my decisions hurt someone. But I never ever meant to intentionally hurt [REDACTED]. My poor decision making and excessive drinking hurt someone that night and I wish I could just take it all back.

If I were to be placed on probation, I can positively say, without a single shred of doubt in my mind, that I would never have any problem with law enforcement. Before this happened, I never had any trouble with law enforcement and I plan on maintaining that. I've been shattered by the party culture and risk taking behavior that I briefly experienced in my four months at school. I've lost my chance to swim in the Olympics. I've lost my ability to obtain a Stanford degree. I've lost employment opportunity, my reputation and most of all, my life. These things force me to never want to put myself in a position where I have to sacrifice everything. I would make it my life's mission to show everyone that I can contribute and be a positive influence on society from these events that have transpired. I will never put myself through an event where it will give someone the ability to question whether I really can be a betterment to society. I want no one, male or female, to have to experience the destructive consequences of making decisions while under the influence of alcohol. I want to be a voice of reason in a time where people's attitudes and preconceived notions about partying and drinking have already been established. I want to let young people now, as I did not, that things can go from fun to ruined in just one evening.

Jane Doe Statement from Brock Turn Case (Excerpt):

Your Honor, if it is all right, for the majority of this statement I would like to address the defendant directly.

You don't know me, but you've been inside me, and that's why we're here today. On January 17th, 2015, it was a quiet Saturday night at home. My dad made some dinner and I sat at the table with my younger sister who was visiting for the weekend. I was working full time and it was approaching my bed time. I planned to stay at home by myself, watch some TV and read, while she went to a party with her friends. Then, I decided it was my only night with her, I had nothing better to do, so why not, there's a dumb party ten minutes from my house, I would go, dance like a fool, and embarrass my younger sister. On the way there, I joked that undergrad guys would have braces. My sister teased me for wearing a beige cardigan to a frat party like a librarian. I called myself "big mama", because I knew I'd be the oldest one there. I made silly faces, let my guard down, and drank liquor too fast not factoring in that my tolerance had significantly lowered since college.

The next thing I remember I was in a gurney in a hallway. I had dried blood and bandages on the backs of my hands and elbow. I thought maybe I had fallen and was in an admin office on campus. I was very calm and wondering where my sister was. A deputy explained I had been assaulted. I still remained calm, assured he was speaking to the wrong person. I knew no one at this party. When I was finally allowed to use the restroom, I pulled down the hospital pants they had given me, went to pull down my underwear, and felt nothing. I still remember the feeling of my hands touching my skin and grabbing nothing. I looked down and there was nothing. The thin piece of fabric, the only thing between my vagina and anything else, was missing and everything inside me was silenced.

I still don't have words for that feeling. In order to keep breathing, I thought maybe the policemen used scissors to cut them off for evidence.

Then, I felt pine needles scratching the back of my neck and started pulling them out my hair. I thought maybe, the pine needles had fallen from a tree onto my head. My brain was talking my gut into not collapsing. Because my gut was saying, help me, help me.

I shuffled from room to room with a blanket wrapped around me, pine needles trailing behind me, I left a little pile in every room I sat in. I was asked to sign papers that said "Rape Victim" and I thought something has really happened. My clothes were confiscated and I stood naked while the nurses held a ruler to various abrasions on my body and photographed them. The three of us worked to comb the pine needles out of my hair, six hands to fill one paper bag. To calm me down, they said it's just the flora and fauna, flora and fauna. I had multiple swabs inserted into my vagina and anus, needles for shots, pills, had a Nikon pointed right into my spread legs. I had long, pointed beaks inside me and had my vagina smeared with cold, blue paint to check for abrasions.

After a few hours of this, they let me shower. I stood there examining my body beneath the stream of water and decided, I don't want my body anymore. I was terrified of it, I didn't know what had been in it, if it had been contaminated, who had touched it. I wanted to take off my body like a jacket and leave it at the hospital with everything else.

On that morning, all that I was told was that I had been found behind a dumpster, potentially penetrated by a stranger, and that I should get retested for HIV because results don't always show up immediately. But for now, I should go home and get back to my normal life. Imagine stepping back into the world with only that information. They gave me huge hugs and I walked out of the hospital into the parking lot wearing the new sweatshirt and sweatpants they provided me, as they had only allowed me to keep my necklace and shoes.

My sister picked me up, face wet from tears and contorted in anguish. Instinctively and immediately, I wanted to take away her pain. I smiled at her, I told her to look at me, I'm right here, I'm okay, everything's okay, I'm right here. My hair is washed and clean, they gave me the strangest shampoo, calm down, and look at me. Look at these funny new sweatpants and sweatshirt, I look like a P.E. teacher, let's go home, let's eat something. She did not know that beneath my sweatsuit, I had scratches and bandages on my skin, my vagina was sore and had become a strange, dark color from all the prodding, my underwear was missing, and I felt too empty to continue to speak. That I was also afraid, that I was also devastated. That day we drove home and for hours in silence my younger sister held me.

My boyfriend did not know what happened, but called that day and said, "I was really worried about you last night, you scared me, did you make it home okay?" I was horrified. That's when I learned I had called him that night in my blackout, left an incomprehensible voicemail, that we had also spoken on the phone, but I was slurring so heavily he was scared for me, that he repeatedly told me to go find [my sister]. Again, he asked me, "What happened last night? Did you make it home okay?" I said yes, and hung up to cry.

I was not ready to tell my boyfriend or parents that actually, I may have been raped behind a dumpster, but I don't know by who or when or how. If I told them, I would see the fear on their faces, and mine would multiply by tenfold, so instead I pretended the whole thing wasn't real.

I tried to push it out of my mind, but it was so heavy I didn't talk, I didn't eat, I didn't sleep, I didn't interact with anyone. After work, I would drive to a secluded place to scream. I didn't talk, I didn't eat, I didn't sleep, I didn't interact with anyone, and I became isolated from the ones I loved most. For over a week after the incident, I didn't get any calls or updates about that night or what happened to me. The only symbol that proved that it hadn't just been a bad dream, was the sweatshirt from the hospital in my drawer.

One day, I was at work, scrolling through the news on my phone, and came across an article. In it, I read and learned for the first time about how I was found unconscious, with my hair disheveled, long necklace wrapped around my neck, bra pulled out of my dress, dress pulled off over my shoulders and pulled up above my waist, that I was butt naked all the way down to my boots, legs spread apart, and had been penetrated by a foreign object by someone I did not recognize. This was how I learned what happened to me, sitting at my desk reading the news at work. I learned what happened to me the same time everyone else in the world learned what happened to me. That's when the pine needles in my hair made sense, they didn't fall from a tree. He had taken off my underwear, his fingers had been inside of me. I don't even know this person. I still don't know this person. When I read about me like this, I said, this can't be me, this can't be me. I could not digest or accept any of this information. I could not imagine my family having to read about this online. I kept reading. In the next paragraph, I read something that I will never forgive; I read that according to him, I liked it. I liked it. Again, I do not have words for these feelings.

"And then, at the bottom of the article, after I learned about the graphic details of my own sexual assault, the article listed his swimming times."

It's like if you were to read an article where a car was hit, and found dented, in a ditch. But maybe the car enjoyed being hit. Maybe the other car didn't mean to hit it, just bump it up a little bit. Cars get in accidents all the time, people aren't always paying attention, can we really say who's at fault.

And then, at the bottom of the article, after I learned about the graphic details of my own sexual assault, the article listed his swimming times. She was found breathing, unresponsive with her underwear six inches away from her bare stomach curled in fetal position. By the way, he's really good at swimming. Throw in my mile time if that's what we're doing. I'm good at cooking, put that in there, I think the end is where you list your extracurriculars to cancel out all the sickening things that've happened.

The night the news came out I sat my parents down and told them that I had been assaulted, to not look at the news because it's upsetting, just know that I'm okay, I'm right here, and I'm okay. But halfway through telling them, my mom had to hold me because I could no longer stand up.

The night after it happened, he said he didn't know my name, said he wouldn't be able to identify my face in a lineup, didn't mention any dialogue between us, no words, only dancing and kissing. Dancing is a cute term; was it snapping fingers and twirling dancing, or just bodies grinding up against each other in a crowded room? I wonder if kissing was just faces sloppily pressed up against each other? When the detective asked if he had planned on taking me back to his dorm, he said no. When the detective asked how we ended up behind the dumpster, he said he didn't know. He admitted to kissing other girls at that party, one of whom was my own sister who pushed him away. He admitted to wanting to hook up with someone. I was the wounded antelope of the herd, completely

alone and vulnerable, physically unable to fend for myself, and he chose me. Sometimes I think, if I hadn't gone, then this never would've happened. But then I realized, it would have happened, just to somebody else. You were about to enter four years of access to drunk girls and parties, and if this is the foot you started off on, then it is right you did not continue. The night after it happened, he said he thought I liked it because I rubbed his back. A back rub.

Never mentioned me voicing consent, never mentioned us even speaking, a back rub. One more time, in public news, I learned that my ass and vagina were completely exposed outside, my breasts had been groped, fingers had been jabbed inside me along with pine needles and debris, my bare skin and head had been rubbing against the ground behind a dumpster, while an erect freshman was humping my half naked, unconscious body. But I don't remember, so how do I prove I didn't like it.

I thought there's no way this is going to trial; there were witnesses, there was dirt in my body, he ran but was caught. He's going to settle, formally apologize, and we will both move on. Instead, I was told he hired a powerful attorney, expert witnesses, private investigators who were going to try and find details about my personal life to use against me, find loopholes in my story to invalidate me and my sister, in order to show that this sexual assault was in fact a misunderstanding. That he was going to go to any length to convince the world he had simply been confused.

I was not only told that I was assaulted, I was told that because I couldn't remember, I technically could not prove it was unwanted. And that distorted me, damaged me, almost broke me. It is the saddest type of confusion to be told I was assaulted and nearly raped, blatantly out in the open, but we don't know if it counts as assault yet. I had to fight for an entire year to make it clear that there was something wrong with this situation.

"I was pummeled with narrowed, pointed questions that dissected my personal life, love life, past life, family life, inane questions, accumulating trivial details to try and find an excuse for this guy who had me half naked before even bothering to ask for my name. "

When I was told to be prepared in case we didn't win, I said, I can't prepare for that. He was guilty the minute I woke up. No one can talk me out of the hurt he caused me. Worst of all, I was warned, because he now knows you don't remember, he is going to get to write the script. He can say whatever he wants and no one can contest it. I had no power, I had no voice, I was defenseless. My memory loss would be used against me. My testimony was weak, was incomplete, and I was made to believe that perhaps, I am not enough to win this. His attorney constantly reminded the jury, the only one we can believe is Brock, because she doesn't remember. That helplessness was traumatizing. Instead of taking time to heal, I was taking time to recall the night in excruciating detail, in order to prepare for the attorney's questions that would be invasive, aggressive, and designed to steer me off course, to contradict myself, my sister, phrased in ways to manipulate my answers. Instead of his attorney saying, Did you notice any abrasions? He said, You didn't notice any abrasions, right? This was a game of strategy, as if I could be tricked out of my own worth. The sexual assault had been so clear, but instead, here I was at the trial, answering questions like:

How old are you? How much do you weigh? What did you eat that day? Well what did you have for dinner? Who made dinner? Did you drink with dinner? No, not even water? When did you drink? How much did you drink? What container did you drink out of? Who gave you the drink? How much do you usually drink? Who dropped you off at this party? At what time? But where exactly? What were you wearing? Why were you going to this party? What'd you do when you got there? Are you sure you did that? But what time did you do that? What does this text mean? Who were you texting? When did you urinate? Where did you urinate? With whom did you urinate outside? Was your phone on silent when your sister called? Do you remember silencing it? Really because on page 53 I'd like to point out that you said it was set to ring. Did you drink in college? You said you were a party animal? How many times did you black out? Did you party at frats? Are you serious with your boyfriend? Are you sexually active with him? When did you start dating? Would you ever cheat? Do you have a history of cheating? What do you mean when you said you wanted to reward him? Do you remember what time you woke up? Were you wearing your cardigan? What color was your cardigan? Do you remember any more from that night? No? Okay, well, we'll let Brock fill it in.

I was pummeled with narrowed, pointed questions that dissected my personal life, love life, past life, family life, inane questions, accumulating trivial details to try and find an excuse for this guy who had me half naked before even bothering to ask for my name. After a physical assault, I was assaulted with questions designed to attack me, to say see, her facts don't line up, she's out of her mind, she's practically an alcoholic, she probably wanted to hook up, he's like an athlete right, they were both drunk, whatever, the hospital stuff she remembers is after the fact, why take it into account, Brock has a lot at stake so he's having a really hard time right now.

And then it came time for him to testify and I learned what it meant to be revictimized. I want to remind you, the night after it happened he said he never planned to take me back to his dorm. He said he didn't know why we were behind a dumpster. He got up to leave because he wasn't feeling well when he was suddenly chased and attacked. Then he learned I could not remember.

So one year later, as predicted, a new dialogue emerged. Brock had a strange new story, almost sounded like a poorly written young adult novel with kissing and dancing and hand holding and lovingly tumbling onto the ground, and most importantly in this new story, there was suddenly consent. One year after the incident, he remembered, oh yeah, by the way she actually said yes, to everything, so.

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Short Term Homework: Student should read chapter on threats prior to class and take online quiz (via blackboard) prior to class. Quiz is low-stakes summative assessment of major content points from the chapter. Quizzes are open-book, open note.

Long Term Homework: Students should be revising their transcripts based on feedback.

8. Stance in Threats

OBJECTIVES IN BRIEF			
a) Practice stance analysis			
b) Through learning about how lawyers construct threatening stance in court			
TIMING	TASK	TOOLS	ASSESSMENTS
10 minutes	Review stance analysis	Powerpoint	
10 minutes	Review stances commonly used in threats	Interactive Powerpoint	
5 minutes	Pass out transcript of Jodi Arias cross-examination.	Transcript	
10 minutes	Individual analysis of stance		
10 minutes	Review with a partner		Peer-to-peer formative assessment
15 minutes	Review as a class		Group discussion and fist to five
15 minutes	Review examples of stance from student projects	Student data transcript; clips	

LEARNING TOOLS: Jodi Arias Cross Examination Excerpt

1	JA	<u>Yes.</u>
2	P	We also know that uh (.) there was no <u>knife</u> (.) that was found up (.2) in the bathroom area, <u>right</u> ?
3	JA	Yes.
4	P	(.) So we know that (.2) you <u>took</u> it, <u>right</u> ?
5	JA	(.)*soft* I don't remember having the knife at all afterward. *soft*
6	P	But there was no knife up there, <u>right</u> ?
7	JA	Not,*stutter* I haven't heard any testimony about that so I [would] *soft*
8	P	[You would acknowledge] ma'am that (.10) one ninety three (.3) that mister alexander was fat! You would acknowledge that, right?

9	JA	(.6) yes.
10	P	(.7) And you would <u>acknowledge</u> that that <u>stabbing</u> was with the <u>knife, right?</u>
11	JA	Yes. *sounds choked up*
12	P	*slam* And <u>according to your version of events</u> , (.) you would <u>acknowledge</u> that that stabbing >was after the shooting according to you right?<
13	Ja	(.7) *inhale* it, I don't, <u>yes</u> I don't rememberrr *choked up*=
14	P	=I'm iii *stutters* I'm not asking you if you remember ma'am. I'm asking of <u>your acknowledge</u> that it would be <u>you</u> that did it. Correct?
15	JA	(.2) *inhales through mouth* Yes. *in tears*=
16	P	=And you would <u>acknowledge</u> that <u>a lot</u> of the stab wounds and if you <u>want</u> we can count them together >including the ones to the head<(.)were to the <u>back</u> of the <u>head</u> an(.) to the <u>back</u> of the torso, correct?
17	JA	*inhales through mouth* [Okay.] *in tears*
18	P	[<u>No</u> I don't want]
19	JA	[I will count them] I don't know I'll just take your word for it *wheeze & cries*
20	P	>Would you will to take a look at the photograph?<=
21	JA	= <u>No!</u> =
22	P	=We've
23	JA	[Sniffs and crying hhh]
24	P	So if he is being <u>stabbed</u> in the <u>back</u> (.3) would you have knowledge that <u>that</u> point that he's no threat to <u>YOUUU! Right?</u>
25	Law	*soft* Objection calls for *soft* *loud*spectulation*loud*
26	Jdg	Over ruled. *soft* (.3)
27	JA	*Inhales* Ihhh Duon't Knowhhh

Short Term Homework: No reading due.

Long Term Homework: Final transcript due, summative assessment.

9. Speech Acts

OBJECTIVES IN BRIEF			
a) Learn speech act analysis			
b) Practice speech act analysis by applying to a known case (Lewis Daynes)			
TIMING	TASK	TOOLS	ASSESSMENTS
10 minutes	Review Conversation Analysis and Stance Analysis	Interactive ppt	
10 minutes	Contrast with Speech Act Analysis	Interactive ppt	
5 minutes	Play the Lewis Daynes clip again	Audio clip and transcript	
15 minutes	Analyze certain transcript lines for speech acts from Lewis Daynes transcript, small groups		Formative assessment peer to peer and I'll come around and check
10 minutes	Large group analysis/discussion		Closing with a fist to five check in.
15 minutes	Review of speech acts and the problems/issues it addresses		
10 minutes	Examine examples from student data projects	Student data transcript; clips	

Learning Tools: Lewis Daynes Transcript Revisited

Short Term Homework:

- Student should read the chapter on Miranda rights prior to class. Formative assessment in class via discussion.
- Stance analysis homework due: Summative assessment of this skill

Long Term Homework: Students know that they should be working on analyzing their transcripts, applying the skills we're learning.

10. Speech Acts: Miranda Rights

OBJECTIVES IN BRIEF			
a) Practice speech act analysis b) Through learning about how Miranda Rights and how they are are challenging to invoke discursively			
TIMING	TASK	TOOLS	ASSESSMENTS
10 min	Instruction about Miranda rights and how they work	Interactive ppt	
10 min	Speech acts in Miranda requests	Interactive ppt	
5 min	Quick analysis: Miranda Rights requests sample	Ppt slide including multiple requests. Students need to examine what the request is actually doing vs. its intention	Formative: checking in with each student and their analysis
10 minutes	Ask students to read a short New York Times article on the “give me a lawyer dog” case	Article	
10 minutes	Small group discussion questions		Formative: Peer-to-peer check of analysis
15 minutes	Whole class analysis and review		Fist to five check (group check of confidence/comfort with what we learned)
10 minutes	Group check in on midterm assignment		

LEARNING TOOLS: Lawyer dog article

Short Term Homework: Student should read chapter on Vulnerable Witnesses and take online quiz (via blackboard) prior to class. Quiz is low-stakes summative assessment of major content points from the chapter. Quizzes are open-book, open note.

Long Term Homework: Keep analyzing their transcripts

11. Speech Acts: Vulnerable Witnesses

OBJECTIVES IN BRIEF			
a) Practice speech act analysis			
b) Through learning about how vulnerable witnesses are questioned			
TIMING	TASK	TOOLS	ASSESSMENTS
10 minutes	Review speech act analysis	Powerpoint	
15 minutes	Lesson on vulnerable witnesses	Interactive Powerpoint	
5 minutes	Pass out transcript and play interaction between detectives interrogating Jessie Miskelley (one of the West Memphis Three)	Transcript and Audio clip	
10 minutes	Paired analysis of detective questions		
5 minutes	Review in small groups of four		Peer-to-peer formative assessment
15 minutes	Review as a class		Group discussion and fist to five
15	Review examples of speech acts from student projects	Student data transcript; clips	

Learning Tools: Jessie Miskelley transcript

Short Term Homework: Student should read chapter on Questions and Threats and take online quiz (via blackboard) prior to class. Quiz is low-stakes summative assessment of major content points from the chapter. Quizzes are open-book, open note.

LONG TERM HOMEWORK: Keep analyzing their transcripts

12. Speech Acts: Threats and Questions

OBJECTIVES IN BRIEF			
a) Practice speech act analysis			
b) Through learning about how lawyers construct threats and questions in court			
TIMING	TASK	TOOLS	ASSESSMENTS
10 minutes	Review speech act analysis	Powerpoint	

10 minutes	Review speech acts in lawyer talk	Interactive Powerpoint	
5 minutes	Pass out transcript of Jodi Arias cross-examination.	Transcript	
10 minutes	Individual analysis of speech acts		
10 minutes	Review with a partner		Peer-to-peer formative assessment
15 minutes	Review as a class		Group discussion and fist to five
15 minutes	Review examples of speech acts from student projects	Student data transcript; clips	

LEARNING TOOLS: Jodi Arias Transcript again

SHORT TERM HOMEWORK:

- Student should read chapter on False Confessions prior to class. Formative assessment in class during analysis and discussion. False Confessions does not use any of the three analytical tools studied, as it is the beginning of a new unit, so I do not include it in this paper.
- Speech act analysis due: Summative assessment on learning analytical skill

LONG TERM HOMEWORK: Keep analyzing their transcripts

13. Workshop

OBJECTIVES IN BRIEF			
a) Review all three types of analysis			
b) Review a former student's assignment that relies on summary over analysis, and have students edit the summary points into analysis.			
c) Practice all three analyses on YOUR transcript for your project			
TIMING	TASK	TOOLS	ASSESSMENTS
10 minutes	Review all three types of analysis briefly (what is each type good for)	Powerpoint	

15 minutes	Pass out former student's assignment. Give students 15 minutes to individually edit the summary into analysis	Student assignment handout	Check in with individual students to formatively assess
5 minutes	Review rubric students will use to assess each other's work, and pass out sticky notes	Rubric, sticky notes	
30 minutes	Students, in groups of four, use the rubrics to review each other's papers. They also use sticky notes to make suggestions. All sticky notes should begin "I noticed that" and "I wonder if" Students should get feedback from at least three of their group members		Peer-to-peer formative assessment
15 minutes	Q and A from students on lines they want to discuss as a group		Group discussion and fist to five

LEARNING TOOLS: Sticky notes and Rubric for Rating (below)

<p>1) Read your partner's transcript (you can listen to the audio if you want):</p> <p>2) Does the transcript have LINGUISTIC ELEMENTS in it, and are they accurate?</p> <ul style="list-style-type: none"> <input type="checkbox"/> Louder and softer speech <input type="checkbox"/> Fast and slow speech <input type="checkbox"/> Stressed words (Underlining) <input type="checkbox"/> End of utterance intonation: Falling intonation → . <input type="checkbox"/> End of utterance intonation: Continuing intonation → , <input type="checkbox"/> End of utterance intonation: Rising intonation → ? <input type="checkbox"/> Pauses (.) in the middle of what is said <input type="checkbox"/> Sharp rise in pitch or lowering of pitch <p>3) Which aspects of language use do you find in the transcript that are interesting and/or that resonate with or contest findings from our class readings? You don't need to use all of these, but you should have an analytical point for nearly every line.</p>

Categorization and Labeling

- Recontextualizing/relabeling someone
- Prototypical cultural norms
- Language use indexical of a particular language/dialect group identity

Grammar/Obscuring subjects

- Passive voice (e.g., The apple was eaten.)

Turn taking

- Question-answer sequences spoken by whom you'd expect?
- Preferred turns
- Dispreferred turns
- "So" or "and" prefaced questions
- Formulations
- Reported Speech
- Deixis
- Upgrading (e.g. "really" "mad" "so many...")
- Downgrading

Cooperative Principle

- Flouting Maxim of Quantity (say just enough...not too much, not too little)
- Flouting Maxim of Quality (be truthful...don't say things you think are false, or for which
you lack evidence)
- Flouting Maxim of Manner (avoid obscurity and ambiguity in your talk)
- Flouting Maxim of Relevance (be relevant)

Speech Acts

- Presuppositions
- Direct speech acts (questions look like questions and ARE questions, commands look like commands and ARE commands...statements look like statements and ARE statements)
- Indirect speech acts (questions look like questions but are commands or statements.....statements LOOK like statements but are really questions...or accusations.... **HERE form and FUNCTION don't match**)
 - Conversational implicature (if there are indirect speech acts, then conversational implicature—or extra meaning—is generated.
 - apologies, complaints, compliments, invitations, promises, requests, warnings, threats

Face

- Appealing to someone's positive face (desire to be liked)
- Appealing to someone's negative face (desire not to be bothered)
- Threatening someone's positive face (making someone look or seem unliked)

- Threatening someone's negative face (bothering someone)

Ways to SOFTEN face threats

- Delays of response (signals upcoming trouble)
- Prefaces (uh...well...umm...)
- Pre-sequences (you know I was thinking about that yesterday)
- appreciations (I'd love to and thanks for asking and)
- apologies (I'm so sorry that I can't, but)
- Accounts (I told my friend that I'd walk her dog)
- Disagreement/rejection mitigated as uncertain, conditional, or indirect.

Other

- Markedness
- Absolute statements (always, must, have to, never)
- Equivocation (merely, sometimes...)

Short Term Homework: none

Long Term Homework: Draft of analysis due in class (low-stakes formative assessment of analytical work thus far). Draft due to me for summative assessment a couple days after to provide time to revise, etc.